

EXHIBIT 37

A MORE JUST NEW YORK CITY

Independent Commission on New York City
Criminal Justice and Incarceration Reform



A MORE JUST NEW YORK CITY

Independent Commission
on New York City
Criminal Justice and
Incarceration Reform

Dear Fellow New Yorkers:

As the chairman of the Independent Commission on New York City Criminal Justice and Incarceration Reform, it is my pleasure to share with you this report.

New York City Council Speaker Melissa Mark-Viverito called the Commission into existence just over a year ago. Since that time, the 27 members of the Commission—along with our research and strategic partners from the private and non-profit sectors—have worked diligently to study the criminal justice system in New York City, with a particular focus on what should be done with Rikers Island. We heard from a broad array of stakeholders, including prosecutors, clergy, public defenders, correction officers, civil rights leaders, victim advocates, elected officials, community leaders, the formerly incarcerated, and their families. We sought input from New York residents through our website and at numerous public meetings in each of the five boroughs. And we conducted independent and in-depth analysis of the available data and research.

The perspectives and voices we solicited were diverse. There was disagreement on many issues. But there was one important common thread across what we heard: **our criminal justice system requires dramatic change.**

We entered the process with no predetermined judgment. I asked the members of the Commission—law enforcement officials, business leaders, judges, academics, and community activists alike—to look at the justice system with a fresh set of eyes. We let the facts be our guide as we examined both the successes and the failures of recent years.

But we have done more than just look at what was—we have sought to articulate what could be.

The result is a vision of a twenty-first century criminal justice system that all New Yorkers can be proud of. This system will be animated by a new set of affirmative goals—keeping people safe, aiding victims, responding to community needs, and crafting proportionate, meaningful, and compassionate responses to unlawful behavior.

The report that follows is the product of a unified Commission. In laying out this blueprint, we build on a solid foundation. For more than 20 years, New York City has successfully driven down both crime and incarceration. The City has proven that **more jail does not equal greater public safety.** Indeed, an emerging body of research suggests that jail can actually make us less safe, leading to more criminal behavior and undermining the health of families and communities alike.

We believe that a twenty-first century justice system must acknowledge the multiple harms that incarceration, and Rikers Island in particular, has caused hundreds of thousands of New Yorkers, their families, and their communities. And it must acknowledge that these harms fall disproportionately on communities of color. To heal and restore hope, jail must become a last resort rather than the path of least resistance.

Dramatically reducing incarceration is just part of the larger project of reimagining justice, however. Going forward, the idea of community justice must become standard operating practice—investing in New York City neighborhoods damaged by past practice and creating stronger links between criminal justice agencies and the people they exist to serve. Going forward, every decision and interaction—whether on the street, in the courthouse, or behind the walls of our jails—must seek to advance the fundamental values of dignity and respect. And going forward, **we must close the jail complex on Rikers Island. Period.**

Rikers Island is a stain on our great City. It leaves its mark on everyone it touches: the correction officers working back-to-back shifts under dangerous conditions, the inmates waiting for their day in court in an inhumane and violent environment, the family members forced to miss work and travel long distances to see their loved ones, the attorneys who cannot easily visit their clients to prepare a defense, and the taxpayers who devote billions of dollars each year to keep the whole dysfunctional apparatus running year after year. Put simply, **Rikers Island is a 19th century solution to a 21st century problem.**

We reviewed, studied, and debated every possible solution to the problem of Rikers. We have concluded that simply reducing the inmate population, renovating the existing facilities, or increasing resources will not solve the deep, underlying issues on Rikers Island. We are recommending, without

hesitation or equivocation, permanently ending the use of Rikers Island as a jail facility in any form or function.

Closing Rikers Island is far more than a symbolic gesture. It is an essential step toward a more effective and more humane criminal justice system. **We must replace our current model of mass incarceration with something that is more effective and more humane**—state-of-the-art facilities located closer to where the courts are operated in civic centers in each borough.

Rikers Island is not just physically remote—it is psychologically isolated from the rest of New York City. Rikers severs connections with families and communities, with harmful consequences for anyone who spends even a few days on the Island.

That's why we believe that a smaller, borough-based jail system is critical. Our future jails must promote the safety and well-being of both correction officers and the individuals they supervise, the vast majority of whom are awaiting trial and have been found guilty of no crime. These goals are best served when we make clear that the point of correction is exactly that—to correct. Going forward, our jails must work to reduce crime through rehabilitation.

This is not just the right thing to do—it is also the fiscally prudent thing to do. Indeed, as you will see in the pages that follow, we believe that closing Rikers Island will result in significant cost savings. It will also enable us to move forward as a City, boldly preparing for the challenges that the next century will bring. Permanently ending the use of Rikers Island as a de facto penal colony will free up the space needed for the kinds of transportation and other infrastructure projects that are crucial to the future of our great City.

I am acutely aware that in order to enact our recommendations, we will need courageous leadership from our City and State officials. Creating a more just New York City will not happen overnight—and it will not happen with the support of a single person or entity. It is now more critical than ever that we confront the challenges ahead together. This report serves as a roadmap for what must be done.

By working together to close Rikers Island, an international symbol of despair and damage, New York will be a beacon of safety, humanity, and justice for cities across the country and around the world.

Let New York City lead the way, as it has done so often in the past.

Sincerely,



The Hon. Jonathan Lippman

“MY KIDS SPEAK TO THEIR FATHER THROUGH A GLASS WALL WITH HOLES IN IT...IT’S UNBEARABLE, REALLY”

‘The Land That Time Forgot’

The New York City Department of Correction dates back to 1895. Unfortunately, as Ken Ricci, a national expert in jail design, told us, “New York City, the leader in so many ways, is currently in the 19th century in terms of jails.”

The first jail on Rikers Island opened in the 1930s. Since then, Rikers Island has expanded exponentially. It is in many ways a small city, complete with a power plant, hospital, bakery, and other services designed to serve the tens of thousands of people (inmates, staffers, and visitors) who spend time on the Island each day.

Very few, if any, of these facilities could be described as “state-of-the-art.” Many lack air conditioning, making for brutal conditions during the summer months. Leaks and water damage are common occurrences, as are foul smells emanating from the parts of the Island that are composed of landfill. According to one formerly incarcerated person who testified before the Commission: “You’re living with rats, rodents every day if your food isn’t eaten; even if you’re allowed to get food, ants are on it right away.”

The antiquated design of Rikers undermines safety—many of the jails have poor sightlines, bad acoustics, and other features that encourage bad behavior. The outmoded design also creates a need for more correction officers to manage the population.

According to Department of Correction Commissioner Joseph Ponte, no one would choose to build something like Rikers Island today. In his words, Rikers Island is “almost the land that time forgot.”

‘Torture Island’

Some of the most moving testimony about Rikers Island came from family members with experience visiting their children or partners. The isolation of Rikers Island, which is only accessible by a single city bus line and requires passing through multiple security checkpoints, means a short visit can take an entire day.

“It’s very exhausting to visit your loved one at Torture Island,” said one parent to the Commission. “The whole process of hours of struggle of traveling by public transportation and hours of searches and waiting and waiting to get that one-hour visit is just very deteriorating for any human to endure.”

The burden of visiting family members falls particularly hard on young children. “My daughter started visiting her father when she was two years old,” described another parent:

She knew when she arrived she had to watch a dog walk by and smell her even though she is scared. Every time the dog came by she would grab the stroller where her brother was to try and protect him. She knows to take her hat, coat and shoes and put it in a bin to push through scanning. She knows to walk through a metal detector and wait on the other side. This process can take all day. My kids speak to their father through a glass wall with holes in it. My son puts his hands to the glass and tried to kiss his dad but I have to explain the glass is dirty. It’s unbearable, really. It feels like torture.

‘We’re Also Human’

Rikers Island is not an easy place to work. Indeed, many correction officers and health officials find it dehumanizing. As one correction officer told *New York* magazine, “[Rikers] has a smell. I can’t even describe it to you. Worse than a sewer. The Island is its own Island that people on the outside could never understand.”

The physical isolation of the Island creates hardships for correction officers. We heard stories of officers sleeping in their cars between shifts rather than driving home to be with their families.

Working conditions on Rikers Island are difficult. “We deal with a lot of mental and physical abuse, from your inmates to your superiors,” said a correction officer. This includes incidents of “splashing”—inmates hurling urine and feces. It also includes acts of violence, with inmates taking advantage of the failing physical plant to fashion makeshift weapons. In testimony before the Commission, Elias Husamudeen, President of the Correction Officers’ Benevolent Association, stated, “We’re professionals, but we’re also human.”

‘Getting to Court on Time’

The process of shuttling defendants from Rikers Island to court—which takes hours at a minimum, given the distance between the Island and courthouses across the City—imposes significant financial and human costs. As one